IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1712 of 1996

Between:
A.S Prasad S/O Bbskara Sastry
R/O Vizianagarm Town

..... PETITIONER

AND

1 The District Judge
Vizianagram
2 Registrar (Administration)
High Court of A.P Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, declaring that the action of the first respondent in removing the petitioner form service contained in P.R.No.66/92-A and P.R.No.197/91-A dated 3/12/1992 and the action of the second respondent contained in ROC.No.430/93 dated 24/09/1993 rejecting the appeals against the punishment orders, is arbitrary and illegal and consequently direct the first respondent to reinstate the petitioner in service with all consequential benefits including arrears of pay and grant such other relief as it deems fit in the circumstances of the case.

For the Petitioner:MR.V.VENKATARAMANA , Advocate (Not Present)

For the Respondents : MR.C.V.NAGARJUNA REDDY, Advocate

The Court made the following :

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ORAL ORDER (per HON'BLE THE CHIEF JUSTICE)

None appeared for petitioner.

Petitioner questioned the impugned order of the first respondent removing him from service from 4-12-1992 and the order of dismissal of his appeal.

Petitioner was appointed as Copyist with effect from 08-2-1984. He was thereafter temporarily promoted as Steno-Typist. While working as Steno-Typist, he allegedly indulged in serious malpractices of altering a judgment after it was delivered and also indulged in correcting the figures in original decree and Court diaries, for which a show cause notice was issued to explain why action be not taken. After his explanation was submitted admitting all charges made against him and after receiving the enquiry report, he was reverted as Copyist permanently without imposing any major punishment w.e.f. 3-5-1990. This lenient action was taken against the petitioner considering the circumstances of his family. His administrative appeal was partly allowed by the High Court holding that there cannot be any permanent reversion and the first respondent was directed to assign the petitioner the topmost rank in seniority list of Copyists as on 3-5-1990.

Even after reversion, the petitioner did not perform well as

Copyist, which led to initiating further proceedings against him for non-performance and inefficiency etc. Charges were duly enquired into by a regularly appointed enquiry officer. Two separate Enquiry Officers were appointed in two different departmental enquiry proceedings against petitioner. After affording due opportunity to petitioner, a report was submitted, copy of which was duly supplied to petitioner to submit his explanation. Same were duly considered and on considering the facts and circumstances, the District Judge found that petitioner had no interest to serve the institution since he was incorrigible, he has not been working properly and despite warnings and previous punishments, petitioner did not improve and rather it had adverse effect on co-employees. He was ordered to be removed from service w.e.f. 04-12-1992. His appeal presented to High Court was also dismissed.

Petitioner's grievances, as made out in the petition, are that enquiry was not properly conducted in accordance with law, evidence was also not appreciated, procedure was not followed and the punishment imposed is very harsh.

We have duly considered the record and do not find any irregularity in the enquiry as due opportunity was afforded to the petitioner and the view taken by the Enquiry Officer is the only view which can be taken basing on the material on record with which no interference is called for in the petition filed under Article 226 of the Constitution of India.

Petition is accordingly dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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G. ROHINI. J.,

Dated: 22.06.2004.l

Kvrk.

To

1 The District Judge
Vizianagram
2 The Registrar (Administration)
High Court of A.P Hyderabad
3. The Section Officer, Legal Cell, Establishment Section,
High Court of A.P., Hyderabad.
4. 2 CD copies.